### AT PENITENTIARY

neys as follows, to wit: that the said bones are sore, stiffened and permanently enlarged and that the kidneys of plaintiff are constantly sore and frequently cause plaintiff severe pain; that upon arising from a sitting or lying posture plaintiff suffers great inconvenience and pain Plaintiff further avers that perior to said assault he was in per feet health and physical condition and that since said assault and now and by reason of said assault and of the said subsequent ill treatment plaintiff suffers from chronic diar rhoes and is now and always will be physically weak, and is now per manently broken in bealth.

4. That the said assault and other wrongful acts complained of were not in accordance with and were contrary to and in violation of the rules and regulations of the government of the officers and employes of the said New Mexico p-ni tentiary approved by the Board of Commissioners of said penicentiary and in force at the time of said assault and subsequent, ill treatment and subsequent other wrongful acre complained of or either of them were not necessary for the proper punishment of plaintiff or to secursubmission or obedience on his parand said assault was not pur ishmen. for any offense committed by plan tiff and was not administered in ac cordance with legal regulations up on the subject; and that the saiassault and other wrongful ages complained of were in violation of

5. That the said assault and a other wrongful acre complained as set out in paragraph 3 of plaintiff's first cause of action herein were committed and done under and by the express authority, di rection, approval and knowledge of the said defendant McManus, as superintendent of said penitentiary and while said defendant McManus was acting as such superintendent, and the said defendant McManus wrongfully, unlawfally, wantonly and maliciously caused the said as sault and other wrongful acts complained of to be committed as aforeanid.

6. That plaintiff's occupation is and always has been a stockman and rider of horses and plaintiff knows no other business, trade or disability, no part of which has been profession; that by reason of the paid. injuries suffered by plaintiff through the said assault and other wrongful acts complained of berein plaintiff is now and forever will be debarred and prohibited and prevented from riding horses and thereby is and will be prevented from engaging in such means of livelihood.

so inflicted upon the plaintiff by from defendant McManus punitive defendant McManus as aforesaid or exemplary damages in the said plaintiff has been damaged by de fendant in the sum of \$17,500 as follows; \$2 500 in physical pain and an McManus in the sum of \$17,500 permanent physical injury and first cause of action disability, no part of which has been paid.

SECOND CAUSE OF ACTION: 1. & 2 Plaintiff adopts as paragrapts 1 and 2 of the second cause

of action paragraph 1 and 2 as stated in plaintiff a first cause of action at 3 and 3 as stated in plaintiff a first cause of action at 3 and 3 action at 525,000, punitive or exemplary damages 4. For judgment for costs herein and such other relief as to the court the said protentiary as aforesaid may seem proper.

wrongiully, unlawfully, wilfully, Warden McManus, when seen wan only, maliciously and without regarding the above complaint, cause caused plaintiff to be confined denied certain of the allegations from October, 1914, until April.

1915, in a cell with one Frank Col.

tins, the said Frank Collins then
and there being afflicted with the
suffering from subservations, an in
fectious disease, in a very aggravate
ad form; that during all of said
period plaintiff suffered constant.

defend certain of the allegations
and said if the case came to trisl he
would give his side to it. "The
whole matter set forth in the complaint was threshed out before the
committee appointed by the last
legislature, and they failed to find
sainst the warden," declared Mr.

McManus.—State Record.

STORY OF METHODS IN VOGUE | agony from the vile and offensive | stench which arose from the person and sputum of the said Frank Col line; that during said period plaintiff many times seked defendant Mc. Manus and various of his employees to remove him from such cell but said defendant McManus wilfully, wantonly and maliciously failed so to do; that from such treatment and confinement as sforesaid plain tiff then suffered severe mental and physical terture; was then and hereby exposed to a malignant and incurable disease to wit, tuberculosis and thereby became inoculated with the bacilli of tuberculosis and plaintiff is advised by his physician that only by great care of his body may be recover from the effects of such exposure and inoculation

4 That said confinement and ex posure complained of were not in accordance with and were contrary to and in violation of the rules and regulations of the government of the officers and employes of the said New Mexico Penitentiary app oved by the Board of Commisstoners of said penitentiary and in force at the time of said confinement and exposure; that the said coofine ment and exposure or either of tiem were not necessary to the proper punishment of plaintiff or to secure submission or obedience on his part and said confinement and exposure was not punishment for any offense committed by plain-17 and was not administered in accordance with legal regulations up in the subject and that the said confinement and exposure were contrary to law

5. That the said confinemen and exposure complained of as set out in paragraph 3 of the second e use of action of this complainwere committed and done and by tie express authority, direction, .pprovai and knowledge of the said Jefendant McManus as superinten dent of said penitentiary and while said defen iant McManus was acting as such superintendent and the said defendant McManus unlawfully, wrongfully, wantonly and malicious. ly caused the said confinement and exposure so complained of to be committed as aforesaid.

6 That by reason of said injuries so infliered upon plain-iff by de tendan. Mc Wanus, plaintiff ha suffered actual damage in the sun. of \$2 500 as follow; \$500 in physics pain and mental suffering and \$2,000

That by reason of said wanton and malicious assault, ill treatment confinement, exposure and injuries complained of herein so inflicted upon plaintiff by defendant Mc-Manus as set out in paragraph 3 of plaintiff's first cause of action and paragraph 3 of plaintiff's second cause of action, plaintiff has suffered damages in the further sum of 7 That by reason of such injuries \$25 000 and is entired to recover

mental suffering and \$15,000 in actual damages under plaintiff's

disability, no part of which has ant McManus in the sum of \$2,500 actual damages under plaintiff's second cause of action

3. For judgmet against defendant McManus in the additional sum of

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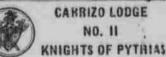


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